

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By Chairman Dennis Himmelberger, on January 21, 2009 at 8:01 A.M., in Room 455 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Dennis Himmelberger, Chairman (R)  
Rep. Jesse O'Hara, Vice Chairman (R)  
Rep. Russell Bean (R)  
Rep. Tony Belcourt (D)  
Rep. Joel Boniek (R)  
Rep. Frosty Boss Ribs (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Pat Ingraham (R)  
Rep. Gary MacLaren (R)  
Rep. Sue Malek (D)  
Rep. Mike Phillips (D)  
Rep. Ted Washburn (R)  
Rep. Franke Wilmer (D)

**Members Excused:** None.

**Members Absent:** Rep. Sue Dickenson, Vice Chairman (D)  
Rep. Dee Brown (R)  
Rep. Mary Caferro (D)  
Rep. Betsy Hands (D)  
Rep. Kendall Van Dyk (D)

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Marshall McEwen, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 174, HB 182, HB 192, HB 197

Executive Action: HB 184, HB 142

**HEARING ON HB 174**

**Opening Statement by Sponsor:**

00:04:16 Rep. Ray Hawk (R), HD 90, opened the hearing on **HB 174**,  
Revise term limits for legislators.  
00:05:28 Rep. Dickenson and Rep. Caferro entered the room.  
00:08:17 Rep. Brown entered the room.

**Proponents' Testimony:**

00:10:41 John Bennion, Montana Chamber of Commerce

**Opponents' Testimony:**

00:14:17 Travis Butcher, Citizens for Eight Year Term Limits  
00:20:06 William H. Biernat  
00:23:19 Bob Adney  
00:24:42 Jeremy Hofer

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:25:40 Rep. Phillips  
00:26:20 Mr. Butcher  
00:26:49 Rep. Phillips  
00:27:36 Rep. Hawk  
00:28:04 Rep. Dickenson  
00:29:30 Rep. Hawk  
00:30:11 Rep. Dickenson  
00:30:37 Rep. Hawk  
00:31:15 Rep. Brown  
00:31:42 Mr. Butcher  
00:32:27 Rep. Brown  
00:32:45 Mr. Butcher  
00:33:44 Rep. Malek  
00:34:12 Mr. Butcher  
00:34:48 Rep. Malek  
00:34:57 Mr. Butcher  
00:35:11 Chairman Himmelberger

**Closing by Sponsor:**

00:35:22 Rep. Hawk  
00:35:49 Chairman Himmelberger

**HEARING ON HB 182**

**Opening Statement by Sponsor:**

00:36:38 Rep. Ken Peterson (R), HD 46, opened the hearing on  
**HB 182**, Prohibit state agencies from lobbying  
legislature.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:43:41 Madalyn Quinlan, Office of Public Instruction

**Informational Testimony:**

00:48:30 Herold Blattie, Executive Director, Montana Association  
of Counties

**[EXHIBIT](#)**(sth14a01)

**Questions from Committee Members and Responses:**

00:50:53 Rep. Phillips  
00:52:24 Rep. Peterson  
00:53:01 Rep. Phillips  
00:53:38 Rep. Peterson  
00:54:00 Rep. Wilmer  
00:54:48 Rep. Peterson  
00:55:52 Rep. Wilmer  
00:56:30 Rep. Peterson  
00:57:03 Rep. Wilmer  
00:57:26 Rep. Peterson  
00:57:45 Rep. Brown  
00:58:11 Rep. Peterson  
00:58:31 Rep. Brown  
00:58:53 Rep. Peterson  
00:59:25 Rep. Brown  
00:59:56 Ms. Quinlan  
01:00:16 Rep. Brown  
01:00:35 Ms. Quinlan  
01:01:33 Rep. Dickenson  
01:02:21 Rep. Peterson  
01:03:10 Chairman Himmelberger

**Closing by Sponsor:**

01:03:16 Rep. Peterson  
01:05:40 Chairman Himmelberger

**HEARING ON HB 192**

**Opening Statement by Sponsor:**

01:06:04 Rep. Janna Taylor (R), HD 11, opened the hearing on **HB 192**, Secret ballot until final tally on overriding veto.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:09:56 Ann Brodsky, Legal Council, Governor's Office

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:11:29 Rep. O'Hara  
01:11:41 Rep. Taylor  
01:12:36 Rep. Brown  
01:13:12 Ms. Brodsky  
01:16:56 Rep. Brown  
01:17:26 Ms. Brodsky  
01:17:38 Rep. Dickenson  
01:18:03 Ms. Brodsky  
01:18:39 Rep. Dickenson  
01:18:49 Rep. Taylor  
01:19:14 Rep. Malek  
01:19:55 Ms. Brodsky  
01:21:07 Rep. Malek  
01:21:37 Ms. Brodsky  
01:22:56 Rep. Wilmer  
01:23:37 Rep. Taylor  
01:24:37 Rep. Wilmer  
01:24:58 Rep. Taylor  
01:25:53 Chairman Himmelberger  
01:26:02 Rep. Phillips  
01:26:23 Rep. Taylor

**Closing by Sponsor:**

01:26:53 Rep. Taylor  
01:27:09 Chairman Himmelberger

01:27:27 Committee takes a break.  
01:50:34 Committee reconvenes. Rep. MacLaren is not present  
after the break.  
01:50:35 Chairman Himmelberger

**HEARING ON HB 197**

**Opening Statement by Sponsor:**

01:54:11 Rep. Bob Ebinger (D), HD 62, opened the hearing on **HB 197**, Clarify signature requirements for recall petitions.

**EXHIBIT**(sth14a02)

**Proponents' Testimony:**

01:56:49 Nancy MacCracken, Sixth Judicial District Court  
02:01:17 Herold Blattie, Executive Director, Montana Association  
of Counties

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:05:05 Rep. Ingraham  
02:05:19 Rep. Belcourt  
02:06:00 Rep. Ebinger  
02:06:15 Rep. Ingraham  
02:06:49 Rep. Brown  
02:07:05 Rep. Washburn  
02:07:23 Rep. Ebinger  
02:07:51 Rep. Washburn  
02:08:05 Rep. Ingraham  
02:08:21 Rep. Washburn  
02:08:42 Chairman Himmelberger  
02:08:55 Rep. Washburn  
02:09:08 Rep. Ingraham  
02:09:23 Chairman Himmelberger

**Closing by Sponsor:**

02:09:58 Rep. Ebinger  
02:11:08 Chairman Himmelberger  
02:11:44 Rep. Hands entered the room.

**EXECUTIVE ACTION ON HB 184**

02:12:28 **Motion:** Rep. Hendrick moved that **HB 184 DO PASS.**

02:12:57 **Motion/Vote:** Rep. Dickenson moved that **HB 184 BE AMENDED.** Motion carried unanimously by voice vote. Rep. MacLaren and Rep. Van Dyk voted by proxy.

**EXHIBIT**(sth14a03)

02:14:36 **Motion:** Rep. Hendrick moved that **HB 184 DO PASS AS AMENDED.**

**Discussion:**

02:14:47 Chairman Himmelberger  
02:14:50 Rep. Brown  
02:15:25 Rep. Boniek  
02:15:58 Chairman Himmelberger  
02:16:06 Rep. Hands  
02:17:23 Rep. Boniek  
02:17:51 Chairman Himmelberger  
02:17:56 Rep. Bean  
02:18:15 Rep. Dickenson  
02:18:42 Rep. Caferro  
02:18:45 Chairman Himmelberger  
02:20:44 Rep. Phillips

02:21:23 **Vote:** Motion failed 5-13 by roll call vote with Rep. Caferro, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, and Rep. Malek voting aye. Rep. MacLaren and Rep. Van Dyk voted by proxy.

02:22:54 Chairman Himmelberger

02:22:58 **Motion/Vote:** Rep. Phillips moved that **HB 184 BE TABLED AND THE VOTE REVERSED.** Motion carried 13-5 by roll call vote with Rep. Caferro, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, and Rep. Malek Voting no.

02:23:32 Chairman Himmelberger  
02:24:56 Rep. Ingraham  
02:25:11 Chairman Himmelberger  
02:25:18 Rep. Wilmer  
02:25:37 Rep. Phillips  
02:26:03 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 142**

02:26:50 **Motion:** Rep. Brown moved that **HB 142 DO PASS.**

**Discussion:**

02:26:55 Chairman Himmelberger  
02:27:00 Rep. Wilmer  
02:27:31 Rep. Ingraham  
02:28:45 Rep. Hands  
02:30:45 Rep. Boniek  
02:31:21 Rep. Brown  
02:31:48 Rep. Wilmer  
02:32:18 Rep. Brown  
02:32:51 Rep. Ingraham  
02:35:14 Rep. Malek  
02:36:08 Rep. Brown  
02:36:28 Chairman Himmelberger  
02:36:34 Sheri Heffelfinger, Legislative Services Division  
02:38:16 Rep. Malek  
02:38:30 Rep. Wilmer  
02:38:54 Chairman Himmelberger  
02:39:07 Ms. Heffelfinger  
02:40:10 Rep. Brown  
02:41:11 Chairman Himmelberger  
02:43:08 Rep. Wilmer  
02:43:34 Rep. Dickenson  
02:45:31 Rep. Bean  
02:46:09 Rep. Boss Ribs  
  
02:46:34 **Vote:** Motion failed 6-12 by roll call vote with Rep. Belcourt, Rep. Brown, Rep. Caferro, Rep. Hands, Rep. Malek, and Rep. Wilmer voting aye. Rep. MacLaren and Rep. Van Dyk voted by proxy.  
  
02:47:53 **Motion/Vote:** Rep. Brown moved that **HB 142 BE TABLED**. Motion carried unanimously by voice vote.  
  
02:48:28 Rep. Ingraham  
02:48:35 Chairman Himmelberger  
02:48:59 Rep. Phillips  
02:49:14 Chairman Himmelberger

**ADJOURNMENT**

02:49:23 Adjournment: 10:50 a.m.

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MARSHALL MCEWEN, Secretary

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**Additional Exhibit**

**EXHIBIT (sth14a04)** Letter from Kevin Olp

Additional Documents:

**EXHIBIT (sth14aad.pdf)**